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U. S. COURTS

MAY 16 2001

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 IDAHO

Attorney for Debtors

UNITED STATES BANKRUPTCY COURT  
 DISTRICT OF IDAHO

In Re:	)	Case No. 01-00288
	)	
RICHARD STEVEN GORDON	)	
BARBARA LYNN GORDON	)	
	)	
Debtors.	)	

ORDER CONFIRMING CHAPTER 13 PLAN  
 AND GRANTING RELATED MOTIONS

IT HAVING BEEN DETERMINED AFTER NOTICE AND A HEARING THAT:

1. The Chapter 13 Plan and Related Motions comply with the provisions of this chapter and with other applicable provisions of this title;
2. The Chapter 13 Plan and Related Motions have been proposed in good faith and not by any means forbidden by law;
3. The value, as of the effective date of the Chapter 13 Plan and Related Motions, of property to be distributed under the plan on account of each allowed unsecured claim is not less than the amount that would be paid on such claim if the estate of the debtor were liquidated under 11 USC Chapter 7 on such date;
4. With respect to each allowed secured claim provided for by the plan -

CONFIRMATION ORDER - 1

- a. the holder of such claim has accepted the plan; OR
- b. the plan provides that (i) the holder of such claim retain the lien securing such claim; and (ii) the value, as of the effective date of the plan, of property to be distributed under the plan on account of such claim is not less than the allowed secured value of such claim.

5. The Debtor will be able to make all payments under the plan, and to comply with the plan.

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

A. The Chapter 13 Plan is confirmed and Related Motions are granted, incorporating the following modifications: The Trustee shall review the Debtors' business expenses after six months.

The priority claim of the Idaho State Tax Commission shall be \$884.18 and shall be paid at 0% interest and shall be paid over the term of the plan.

The default amount of Indy MacBank shall be \$7,823.48 and shall be paid at 11.75% in monthly installments over the term of the plan.

The chapter 13 plan payment shall be two payments of \$280.00 and 56 payments of \$480.00. The plan is for a total of 58 months.

B. The value of collateral securing debts due holders of secured claims is fixed at the Allowed Secured Values as stated herein:

CREDITOR	DESCRIPTION OF COLLATERAL	ALLOWED SECURED VALUE	RATE INTEREST	PAYMENT AMOUNT
Owyhee County Treasurer	Property Taxes	\$671.87	12%	58 @ \$15.32
				Total \$888.70

CONFIRMATION ORDER - 2



IRS Real Property \$7,562.14 104 50 @ \$164.95  
Total \$9,567.17

C. Pursuant to the motion of debtor contained in debtor's plan and 11 USC section 522(f)(1)(A), the judicial liens of the following creditors are avoided.

CREDITOR	DESCRIPTION OF JUDGMENT LIEN	COUNTY & INSTRUMENT NUMBER
Risk Management	Judgment	Owyhee County
Les Schwab	Judgment	Owyhee County

The court finds that the lien sought to be avoided impairs an exemption to which the debtors are entitled as a matter of law.

D. Pursuant to the motion of debtors contained in Debtors' plan and 11 USC section 522(f)(1)(B), the nonpossessory, non purchase money security interests of the following creditors are avoided.

CREDITOR	DESCRIPTION OF EXEMPT PROPERTY
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NONE

The court finds that the lien sought to be avoided is a nonpossessory, nonpurchase money security interest in debtors' household furnishings and goods, and impairs an exemption to which debtor is entitled as a matter of law.

DATED: \_\_\_\_\_

UNITED STATES BANKRUPTCY JUDGE

Approved as to form and content:

Bernie Rakosy, Trustee  
  
Warren Derbidge  
Assistant U. S. Attorney

Date

4-30-01  
Date

CONFIRMATION ORDER - 3

APR-26-2001 14:58

208 334 1414

95%

TOTAL P.05  
P.05

APR-27-2001 07:16

208 334 9663

00%

TOTAL P.05  
TOTAL P.02

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Total notices mailed: 3

Trustee Rakozy, Bernie R POB 1738, Boise, ID 83701  
Aty Roedel, Cyrus J 355 W Myrtle St #102, Boise, ID 83702-7656  
United States Trustee, POB 110, Boise, ID 83701

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